

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN MERTENS,

Plaintiff,

v.

CITY OF SEATTLE, STATE OF
WASHINGTON.

Defendants.

No. C04-1476P

ORDER DENYING PLAINTIFF'S
MOTION TO AMEND JUDGMENT

This matter comes before the Court on Plaintiff's Motion to Amend Judgment. (Dkt. No. 38). The Court DENIES Plaintiff's Motion to Amend Judgment. The Court has checked the Rules Governing Section 2254 Cases in the United States District Courts and Rule 5(a) therein does provide that, "[t]he respondent is not required to answer the petition unless a judge so orders." Accordingly, the Court finds no error, harmless or otherwise, in its April 8, 2005 Order. Accordingly, the Court must DENY Plaintiff's Motion to Amend Judgment.

The Clerk is directed to send copies of this order to all counsel of record.

Dated: August 19, 2005.



Marsha J. Pechman

United States District Judge